

Exhibit A9

OIS: [REDACTED]

STATEMENT OF [REDACTED]

DATE: APRIL 7, 2016

POLICE INCIDENT REPORT NO: [REDACTED]

Q: Not how you wanna spend your Thursday afternoon, huh?

A: It's my Sunday, actually.

Q: Oh really?

A: It's my version of Sunday.

Q: Fair enough. And you know what? We take notes just for our edification, just-

A: Mm-hmm.

Q: You know, if there's somethin' we can report-

A: Yeah.

Q: So. Go ahead Gary.

Q: So, [REDACTED], [REDACTED] -

A: Mm-hmm.

Q: So that's [REDACTED]?

A: Mm-hmm.

Q: So I have all your information written down here.

A: Yeah.

Q: Alright? I'm Gary Watts. John Cagney. We're with the homicide division. We are investigatin' this officer involved shooting. So easiest way to start is just tell us what happened this morning, what you were doing and what caught your attention.

A: Yeah. So I was at the [REDACTED] at [REDACTED].

Q: Okay.

A: And I was walking home, coming up 19th along the fire station side, not the [REDACTED] side.

1 Q: Yeah.

2 A: And as I was coming up the street, I heard a guy
3 shouting at somebody to drop it-

4 Q: Okay.

5 A: A few times. I was, like, oh, are, like, the homeless
6 people there getting in a fight? Like, what's going on?

7 Q: Right.

8 Q: Okay.

9 A: But I saw a cop car also-

10 Q: Right.

11 A: On the corner on the [REDACTED] side of [REDACTED] and [REDACTED].

12 Q: Mm-hmm.

13 A: So I was, like, oh, I'll go see what all the fuss is
14 about. So I couldn't see- this is the fire station. This is
15 Shotwell and I was coming up this way. I couldn't see anything
16 from this corner, so I crossed the street to the other corner.
17 And once there, I saw a homeless guy that I recognized sitting
18 against the [REDACTED] building, legs out like this, back against the
19 wall, hands up, and he was holding something. I couldn't really
20 tell what it was. It kinda looked like garbage, looked like
21 shiny Mylar, silver Mylar.

22 Q: Mm-hmm.

23 A: Saw an officer- well, he was surrounded by officers but
24 I saw one main, male officer with a long rifle that kinda looked
25 like a pellet gun, not a lethal rifle-

26 Q: Mm-hmm.

27 Q: Mm-hmm.

28 A: Holding it at him, telling him to drop what was in his

1 hands. So this is- I'm gonna now, like, pretend I'm a homeless
2 guy. He's there. The corner of 19th and Shotwell is here. 18th
3 is that way. It seemed like he was turning over this way, away
4 from where all of the officers were. At that point, the-

5 Q: Still set?

6 A: Hmm?

7 Q: Still seated?

8 A: Still seated.

9 Q: Mm-hmm.

10 A: It seems like- or, he was still seated. That officer
11 with the pellet gun shot pellets at him. It seemed like the man
12 was then trying to move and get away from the pellets, so he's
13 getting up and

14 Q: Yeah.

15 A: At that point, it stopped being a pellet gun and he
16 switched out his rifles and- or, switched out his guns from the
17 pellet gun to an actual gun-

18 Q: Okay.

19 A: And shot the man. And then the next thing I know, the
20 man is face down on the sidewalk kinda thing.

21 Q: Okay. Did- so you heard drop it several times.

22 A: Mm-hmm.

23 Q: Did you hear anything else?

24 A: No.

25 Q: Okay. Did you hear anything else said by the guy that
26 you know who sat on the floor? Did he?

27 A: No. He never really talks. He kinda keeps to himself.

28 He- I always, like, think of him as a methy homeless guy-

1 Q: Uh-huh.

2 A: Because I feel, like, people on meth like to kick stuff
3 around and he's always sort of kicking a soccer ball against-

4 Q: Mm-hmm.

5 A: The [REDACTED] building.

6 Q: Have you spoken to that guy before?

7 A: I've never spoken to him.

8 Q: No? Okay.

9 A: I just- I ride my bike past him a lot or I walk by him a
10 lot. He never really seemed like a threat, unlike- there are
11 some people on that block that definitely seem like unsavory
12 people but he always seemed to just keep to himself and be fine.

13 Q: Okay.

14 A: I didn't hear him say anything.

15 Q: Okay.

16 A: After he was shot, a bunch of the homeless people that
17 live in the tents kind of got in an uproar and-

18 Q: Do you know he lives in a tent or does he roam or?

19 A: I've seen him sleeping, not on the [REDACTED] side but on,
20 like- there's a warehouse on the other side. I've seen him just
21 sleeping against the wall there. I've seen him sleeping- I've
22 never really seen him sleeping in a tent. He sleeps on the
23 ground, normally. I don't know.

24 Q: Did he ever get to his feet?

25 A: I did not see him get to his feet.

26 Q: Now, so he's against the wall with his feet extended
27 out.

28 Q: You say he's like this. Right?

1 A: Yeah. He's sitting back against the wall.

2 Q: And he's holding something silver but you're not sure
3 exactly what. The officers are yellin' at him drop it, drop.
4 Then he's in a seated position.

5 A: Mm-hmm.

6 Q: And then the officers, as you said, the pellet gun. And
7 then he kinda twists away, moves away from- body movement. He
8 doesn't get to his feet though. He's-

9 A: No, he doesn't get to.

10 Q: So he tries to turn away from the impacts, I would
11 assume. Right?

12 A: Yeah.

13 Q: Is that fair to say?

14 A: Yeah.

15 Q: And then you say almost- and then they shoot him? Is
16 that what you're sayin'?

17 A: Yeah. It was really fast.

18 Q: Okay. It was really fast.

19 Q: And you're sayin' that you're pretty sure he didn't
20 stand up or you weren't sure if he did stand up or not after he
21 got hit?

22 A: I don't think he- I didn't see for sure within that
23 timeframe that I was standing there.

24 Q: Mm-hmm.

25 A: I don't think he could have gotten to his feet. I
26 think, if anything, he could have started to raise himself but he
27 was never standing.

28 Q: Okay.

1 Q: Oh, so when you say kinda raisin' himself, how do you
2 mean? Like, maybe tryin' to put his hands on the ground to
3 leverage himself up or?

4 Q: To leverage himself up?

5 A: What I saw was he kinda, like, rolled. And I would
6 assume then, if I were to-

7 Q: (Unintelligible).

8 A: So he's sitting there like this.

9 Q: Okay.

10 A: And I would say he would maybe do any-

11 Q: Okay. I getcha. Alright. So what you- the movement
12 that you demonstrated is kind of rolling to your right in a
13 position so it would- like, a recovery position is where you
14 would start to be- to leverage yourself up.

15 A: Yeah.

16 Q: Is that correct?

17 A: Yeah.

18 Q: But you never say him actually stand up fully.

19 A: Correct.

20 Q: A movement that would be consistent with somebody maybe
21 trying to get into a sitting position but it didn't happen-

22 A: Yeah.

23 Q: A standing position, I should say. Did you ever see
24 what that object was?

25 A: No.

26 Q: And, as you said, the individual that you know- or are
27 familiar with, he never said anything.

28 A: No.

1 Q: I got you. And how close- I know distance is gonna be
2 difficult to measure but, I mean, how close do you think the
3 officers were or the individual was to the officers, if you had
4 to, you know, kinda guesstimate? If you can and if that's not
5 easy for you, you know, don't (unintelligible).

6 A: I would say the shooting officer was within, like, five
7 feet.

8 Q: Five feet?

9 A: He was very close.

10 Q: And everybody's facing this?

11 Q: If I said from me to that board there, would that be?

12 A: That would- maybe closer.

13 Q: That's probably about 10 feet right there.

14 Q: That's- how tall are you?

15 A: Hmm?

16 Q: How tall are you? How tall are you?

17 A: Oh. I'm [REDACTED]".

18 Q: [REDACTED]".

19 A: I'm short.

20 Q: Right. So [REDACTED] is the height of you.

21 A: My height.

22 Q: Yeah.

23 A: Yeah. I mean, I would say-

24 Q: That's-

25 A: If he's, like, sitting right here-

26 Q: Mm-hmm.

27 A: It seemed like the officer was maybe this far. I know
28 you can't really see.

1 Q: To the table here?

2 A: Yeah.

3 Q: Mm-hmm.

4 Q: So probably to- I would call it six feet. Does that
5 seem about right to you?

6 A: Yeah.

7 Q: Yeah? Six feet.

8 Q: But can I ask you something? You were looking down that
9 sidewalk. Correct?

10 A: Yeah I am but I meant to that.

11 Q: Okay. So it would be the homeless guy and then the
12 policemen behind him. Correct?

13 A: You want me to draw it?

14 Q: Yeah.

15 Q: No, no. You know what? I got a crayon right here.

16 Q: Okay.

17 Q: So what I'm drawing here, basically, is the sidewalk.

18 A: Mm-hmm.

19 Q: So just orient yourself. This is Shotwell itself and
20 this is the police car that's facing towards the block towards, I
21 think, 19th. Does that make sense?

22 A: So-

23 Q: So the fire station's up on 19th, if I remember
24 correctly. Right?

25 A: Yeah. The fire station-

26 Q: Yeah, is on this side of the street. Right?

27 A: So this is the street and this is the fire station,
28 yeah.

1 Q: Yeah.

2 A: I know.

3 Q: So if you're on 19th, you'd walk down here and then it's
4 a right turn and then this is Shotwell and the first police car,
5 if I remember correctly (unintelligible).

6 Q: And this is the [REDACTED]-

7 A: I saw a-

8 Q: Building here. Right? This is P-

9 A: Police car- this is [REDACTED]. I saw a police car right
10 here.

11 Q: Oh. Okay. Well, go ahead and draw whatever-

12 A: Okay.

13 Q: You saw.

14 A: So I saw a cop car at a diagonal.

15 Q: Okay.

16 Q: Mm-hmm.

17 A: But-

18 Q: And that mighta been- we didn't see it but that doesn't
19 mean anything.

20 A: And then if this is the intersection, I was standing
21 right here.

22 Q: Okay.

23 Q: And you live down here. Right?

24 A: I live this way.

25 Q: Yeah.

26 Q: Between 19th and 20th.

27 Q: Okay.

28 Q: So you're on the corner of 19th looking down.

1 A: Yeah.

2 Q: And I don't wanna assume where you saw the activity.

3 A: I was right there. There's, like, the PG&E garage.

4 Q: Right. Exactly.

5 A: There's the garage right here.

6 Q: Right.

7 Q: Right.

8 Q: Okay. And then what happened?

9 A: The homeless man was sitting here.

10 Q: Okay.

11 Q: Before or-

12 A: He was before-

13 Q: Nearest the street or after?

14 A: Nearest the street.

15 Q: Okay.

16 Q: Okay.

17 A: And I would say it seemed like a flank of officers this

18 way.

19 Q: Do you know how many?

20 A: I did not.

21 Q: That's fair enough. You know what? It's very difficult

22 for people to- but-

23 Q: It's all (unintelligible).

24 Q: Do you mind just kinda- you said that kind of an arc.

25 Is that fair to say?

26 A: Yeah, it- yeah.

27 Q: And then this is where the individual was?

28 A: Mm-hmm.

1 Q: Okay. Do you mind signin' your name to that?

2 A: Yeah.

3 Q: And you know what? That just makes it easier for us to
4 understand. And so if I understand you correctly, you're,
5 essentially, standing on the- I always get mixed up myself- this
6 is the southwest corner. Right?

7 A: I think so. I'm not good with directions.

8 Q: It is the southwest. You're on the southwest corner of
9 19th and Shotwell looking diagonally at the activity-

10 A: Mm-hmm.

11 Q: Across the street.

12 A: Yeah.

13 Q: Okay. Thank you. You said you knew this- you were
14 familiar with him?

15 A: Yeah.

16 Q: Can you kinda talk a little bit about that, what, you
17 know, what your experience with him, his demeanor? [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26 A: There's, like, another-

27 Q: Right.

28 A: Methy homeless guy I've seen around, and he-

1 Q: Right.
2 A: Loves kicking things.
3 Q: Right.
4 A: It- I don't know what it is but I just, like, equate
5 methiness to, like-
6 Q: We understand that word.
7 A: Fidgetiness and-
8 Q: Right.
9 A: Liking to kick things.
10 Q: What ethnicity is he?
11 A: Hispanic.
12 Q: He is Hispanic?
13 A: Mm-hmm.
14 Q: And would be- commands were shouted in- the police
15 officers are speaking-
16 A: English.
17 Q: English. And you never heard this individual say
18 anything to them-
19 A: No.
20 Q: Or to anyone. Right.
21 A: To anyone.
22 Q: And you never saw, ultimately, what he was carrying?
23 A: Correct.
24 Q: I got you. Let's see what other issues are. What
25 happened afterwards, after you saw- the aftermath of the
26 shooting? Did you stick around for that or?
27 A: I did not.
28 Q: You just time to go. Yeah.

1 A: I went home.

2 Q: You got outta there.

3 Q: Did you see-

4 Q: We get it. We totally understand, so. You know what?

5 On the behalf of just two people, not necessarily two police
6 officers, you know, we're- we feel bad that, you know- it's not
7 an easy thing to see. And we've done this job a long time and
8 anytime someone loses a life, regard of the circumstances, it's
9 difficult to, you know- it affects you. You know? There's a
10 visceral reaction, no matter how long or how many times.

11 A: Mm-hmm.

12 Q: So obviously we're sympathetic of the situation. And we
13 wanna just thank you for (a) bein' a good citizen- and, again,
14 our role here is simply to collect the facts. We don't have an
15 agenda. I know that sometimes people have a hard time believin'
16 that but, you know, our role is simply just to investigate
17 (unintelligible) a value judgment on what the evidence is gonna
18 show.

19 A: Yeah.

20 Q: We've talked to a whole lotta folks. There's some
21 camera evidences of this as well- but we just can't thank you
22 enough for participating.

23 A: Mm-hmm.

24 Q: It's awkward and difficult.

25 Q: For coming forward, for stayin' here while we were busy-

26 Q: Yeah.

27 Q: Back up, like, at 19th and Shotwell.

28 Q: There's a whole bunch of people, so I know it puts you

1 in a- kind of in a bind and- you know what? You don't have
2 cards. Right?

3 Q: I don't.

4 Q: Alright. You know what? This is me. If you have
5 questions- and we're happy to entertain questions now- but if you
6 have questions down the line, feel free if you have any more
7 questions.

8 A: Okay.

9 Q: And you know what? The Police Department also has a
10 police-

11 Q: I asked her. I (unintelligible).

12 Q: You- okay.

13 Q: Yeah.

14 Q: And I'd like-

15 Q: Feel free. Tonight I'm sure things will start to-

16 Q: You're gonna watch the news. It's gonna come back a
17 little bit. You'll be talkin' to neighbors. I mean-

18 Q: Yeah. You may not sleep and you may want to talk about
19 some answers about what you saw, so-

20 Q: You know, a recollection comes up.

21 Q: Please, you know-

22 A: Mm-hmm.

23 Q: Call John or I.

24 Q: Yeah.

25 A: Okay.

26 Q: And, like he said, we're (unintelligible). You know? I
27 mean, you're just mindin' your own business and somebody lost a
28 life. It's just- it's rattling. (Unintelligible). Listen. We

1 can't thank you again.

2 A: Yeah.

3 Q: Alright?

4 Q: Thanks [REDACTED]

5 Q: Thank you.

6 A: Yeah.

7 Q: We're gonna get you an officer to drive you home. Okay?

8 Q: Thank you for stayin' around. END OF INTERVIEW.

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GEORGE
GANNON
LAW FIRM
ATTORNEY

27

28 [REDACTED]